14303 (0901.68198) PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Application of:		)
Applicant(s):	Richard J. Ernst	)
Serial No.:	10/687,451	)
Conf. No.:	8743	)
Filed:	October 16, 2003	)
For:	ROD HANGER FOR SECURING A ROD TO A SUBSTRATE	)
Art Unit:	3632	)
Examiner:	Epps, Todd Michael	)

I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date.

September 7, 2006
Date

Attorney for Applicant
Registration No. 40,607

DECLARATION OF RICHARD J. ERNST UNDER 37 C.F.R. § 1.132

I, Richard J. Ernst, 5593 Havenridge Way, San Diego, CA 92130, declare as follows:

1. My educational background includes a B.S. in Industrial Engineering from Illinois Institute of Technology in 1964. I am currently an Engineering Manager for ITW Brands, and have been an Engineer in the tool and fastener industry for over 33 years. I am knowledgeable concerning the field of mechanical and industrial engineering and fasteners.

2. I am the inventor of U.S. Patent Application No. 10/687,451 ("the '451 Application"), and I invented the invention described therein.

3. I am also a co-inventor of U.S. Patent 4,453,763 ('the '763 patent) which I understand has been cited against the '451 application. I am familiar with the invention described in the '763 patent.

4. In my opinion, use of generally hemisphere shaped or generally truncated hollow cone shaped projections 22 would not be suitable with the penetration control device of the '763 patent due to the significant torque that may be exerted on the device. In my opinion, replacing the sharply pointed projections 22 of the '763 patent with projections having these shapes would subject the device of the '763 patent to a risk of rotation under the significant driving torque that the device may be exposed to. In my opinion, such rotation could cause the masonry anchor of the '763 patent to fail.

5. I have reviewed US Patent No. 6,677,185 titled "Method of Affixing a Heat Sink to a Substrate and Package Thereof" ("the '185 patent"). In my opinion, the '185 patent is related to methods for affixing heat sinks to micro-electronics substrates, is unrelated to overhead fasteners and masonry anchors, and is unrelated to the art of the present invention.

6. In my opinion, an engineer, professional, or other individual that was knowledgeable in the art of overhead fasteners, masonry anchors, and/or the art of the present invention would not look to the art of methods for affixing heat sinks to micro-electronics substrates for teaching.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Richard J. Ernst

Sept 7, 2006

Date